

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**CEBRIN KEITH MARSHALL**

**Registered Nurse License No. 613902**

Respondent.

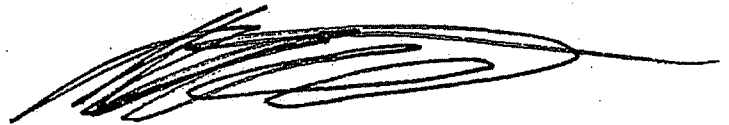
Case No. 2011-922  
OAH No. L-2011061442

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 20, 2012.**

IT IS SO ORDERED **July 20, 2012.**



Erin Niemela  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **CEBRIN KEITH MARSHALL**  
207 3rd Street  
Abbeville, LA 70510  
Registered Nurse License No. 613902

14 Respondent.

Case No. 2011-922

OAH No. L-2011061442  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
16 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
17 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
18 which will be submitted to the Board for approval and adoption as the final disposition of the  
19 Accusation.

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board  
22 of Registered Nursing. She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Randy M.  
24 Mailman, Deputy Attorney General.

25 2. Respondent Cebirin Keith Marshall ("Respondent") is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.  
27  
28

3. On or about February 18, 2003, the Board of Registered Nursing issued Registered Nurse License No. 613902 to Cebrin Keith Marshall (“Respondent”). The Registered Nurse License expired on June 30, 2008, and has not been renewed.

## JURISDICTION

4. Accusation No. 2011-922 was filed before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 11, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-922 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2011-922. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2011-922.

9. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

///

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 613902 issued to Respondent Cebrin Keith Marshall ("Respondent") is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or

1 practice as a registered nurse outside of California shall not apply toward a reduction of this  
2 probation time period. Respondent's probation is tolled, if and when he resides outside of  
3 California. Respondent must provide written notice to the Board within 15 days of any change of  
4 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
5 returning to practice in this state.

6 Respondent shall provide a list of all states and territories where he has ever been licensed  
7 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
8 information regarding the status of each license and any changes in such license status during the  
9 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
10 license during the term of probation.

11 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
12 or cause to be submitted such written reports/declarations and verification of actions under  
13 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
14 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
15 Respondent shall immediately execute all release of information forms as may be required by the  
16 Board or its representatives.

17 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
18 state and territory in which he has a registered nurse license.

19 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
20 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
21 6 consecutive months or as determined by the Board.

22 For purposes of compliance with the section, "engage in the practice of registered nursing"  
23 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
24 non-direct patient care position that requires licensure as a registered nurse.

25 The Board may require that advanced practice nurses engage in advanced practice nursing  
26 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

27 If Respondent has not complied with this condition during the probationary term, and  
28 Respondent has presented sufficient documentation of his good faith efforts to comply with this

1 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
2 extension of Respondent's probation period up to one year without further hearing in order to  
3 comply with this condition. During the one year extension, all original conditions of probation  
4 shall apply.

5       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
6 prior approval from the Board before commencing or continuing any employment, paid or  
7 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
8 performance evaluations and other employment related reports as a registered nurse upon request  
9 of the Board.

10       Respondent shall provide a copy of this Decision to his employer and immediate  
11 supervisors prior to commencement of any nursing or other health care related employment.

12       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
13 (72) hours after he obtains any nursing or other health care related employment. Respondent  
14 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
15 regardless of cause, from any nursing, or other health care related employment with a full  
16 explanation of the circumstances surrounding the termination or separation.

17       **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
18 Respondent's level of supervision and/or collaboration before commencing or continuing any  
19 employment as a registered nurse, or education and training that includes patient care.

20       Respondent shall practice only under the direct supervision of a registered nurse in good  
21 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
22 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
23 approved.

24       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
25 following:

26       (a) Maximum - The individual providing supervision and/or collaboration is present in  
27 the patient care area or in any other work setting at all times.

28       (b) Moderate - The individual providing supervision and/or collaboration is in the patient

1 care unit or in any other work setting at least half the hours Respondent works.

2 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
3 person communication with Respondent at least twice during each shift worked.

4 (d) Home Health Care - If Respondent is approved to work in the home health care  
5 setting, the individual providing supervision and/or collaboration shall have person-to-person  
6 communication with Respondent as required by the Board each work day. Respondent shall  
7 maintain telephone or other telecommunication contact with the individual providing supervision  
8 and/or collaboration as required by the Board during each work day. The individual providing  
9 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
10 patients' homes visited by Respondent with or without Respondent present.

11 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
12 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
13 or for an in-house nursing pool.

14 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
15 registered nursing supervision and other protections for home visits have been approved by the  
16 Board. Respondent shall not work in any other registered nursing occupation where home visits  
17 are required.

18 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
19 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
20 and/or unlicensed assistive personnel on a case-by-case basis.

21 Respondent shall not work as a faculty member in an approved school of nursing or as an  
22 instructor in a Board approved continuing education program.

23 Respondent shall work only on a regularly assigned, identified and predetermined  
24 worksite(s) and shall not work in a float capacity.

25 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
26 request documentation to determine whether there should be restrictions on the hours of work.

27 10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
28 successfully complete a course(s) relevant to the practice of registered nursing no later than six



1 months prior to the end of his probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
3 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
4 above required course(s). The Board shall return the original documents to Respondent after  
5 photocopying them for its records.

6 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
7 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
8 amount of \$1,335.00. Respondent shall be permitted to pay these costs in a payment plan  
9 approved by the Board, with payments to be completed no later than three months prior to the end  
10 of the probation term.

11 If Respondent has not complied with this condition during the probationary term, and  
12 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
13 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
14 extension of Respondent's probation period up to one year without further hearing in order to  
15 comply with this condition. During the one year extension, all original conditions of probation  
16 will apply.

17 12. **Violation of Probation.** If Respondent violates the conditions of his probation, the  
18 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
19 and impose the stayed discipline (revocation/suspension) of Respondent's license.

20 If during the period of probation, an accusation or petition to revoke probation has been  
21 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
22 an accusation or petition to revoke probation against Respondent's license, the probationary  
23 period shall automatically be extended and shall not expire until the accusation or petition has  
24 been acted upon by the Board.

25 13. **License Surrender.** During Respondent's term of probation, if he ceases practicing  
26 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
27 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
28 Respondent's request and to exercise its discretion whether to grant the request, or to take any

1 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
2 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
3 subject to the conditions of probation.

4 Surrender of Respondent's license shall be considered a disciplinary action and shall  
5 become a part of Respondent's license history with the Board. A registered nurse whose license  
6 has been surrendered may petition the Board for reinstatement no sooner than the following  
7 minimum periods from the effective date of the disciplinary decision:

8 (1) Two years for reinstatement of a license that was surrendered for any reason other  
9 than a mental or physical illness; or

10 (2) One year for a license surrendered for a mental or physical illness.

11 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
12 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
13 assistant, who is approved by the Board before the assessment is performed, submit an  
14 assessment of the Respondent's physical condition and capability to perform the duties of a  
15 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
16 medically determined, a recommended treatment program will be instituted and followed by the  
17 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
18 to the Board on forms provided by the Board.

19 If Respondent is determined to be unable to practice safely as a registered nurse, the  
20 licensed physician, nurse practitioner, or physician assistant making this determination shall  
21 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
22 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
23 immediately cease practice and shall not resume practice until notified by the Board. During this  
24 period of suspension, Respondent shall not engage in any practice for which a license issued by  
25 the Board is required until the Board has notified Respondent that a medical determination  
26 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
27 of this probationary time period.

28 If Respondent fails to have the above assessment submitted to the Board within the 45-day

1 requirement, Respondent shall immediately cease practice and shall not resume practice until  
2 notified by the Board. This period of suspension will not apply to the reduction of this  
3 probationary time period. The Board may waive or postpone this suspension only if significant,  
4 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
5 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
6 Only one such waiver or extension may be permitted.

7 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

8 Respondent, at his expense, shall successfully complete during the probationary period or shall  
9 have successfully completed prior to commencement of probation a Board-approved  
10 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
11 submitted by the program on forms provided by the Board. If Respondent has not completed a  
12 Board-approved treatment/rehabilitation program prior to commencement of probation,  
13 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
14 If a program is not successfully completed within the first nine months of probation, the Board  
15 shall consider Respondent in violation of probation.

16 Based on Board recommendation, each week Respondent shall be required to attend at least  
17 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
18 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
19 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
20 added. Respondent shall submit dated and signed documentation confirming such attendance to  
21 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
22 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
23 and/or other ongoing recovery groups.

24 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
25 completely abstain from the possession, injection or consumption by any route of all controlled  
26 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
27 are ordered by a health care professional legally authorized to do so as part of documented  
28 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)

1 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
2 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
3 longer be required, and the effect on the recovery plan, if appropriate.

4 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
5 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
6 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
7 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
8 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
9 considered addictive have been prescribed, the report shall identify a program for the time limited  
10 use of any such substances.

11 The Board may require the single coordinating physician, nurse practitioner, or physician  
12 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
13 medicine.

14 **17. Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
15 random, biological fluid testing or a drug screening program which the Board approves. The  
16 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
17 for keeping the Board informed of Respondent's current telephone number at all times.  
18 Respondent shall also ensure that messages may be left at the telephone number when he is not  
19 available and ensure that reports are submitted directly by the testing agency to the Board, as  
20 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
21 program and Respondent shall be considered in violation of probation.

22 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
23 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
24 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
25 hypnotics, dangerous drugs, or other controlled substances.

26 If Respondent has a positive drug screen for any substance not legally authorized and not  
27 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
28 files a petition to revoke probation or an accusation, the Board may suspend Respondent from

1 practice pending the final decision on the petition to revoke probation or the accusation. This  
2 period of suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug screening  
4 program within the specified time frame, Respondent shall immediately cease practice and shall  
5 not resume practice until notified by the Board. After taking into account documented evidence  
6 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
7 suspend Respondent from practice pending the final decision on the petition to revoke probation  
8 or the accusation. This period of suspension will not apply to the reduction of this probationary  
9 time period.

10 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date  
11 of this Decision, have a mental health examination including psychological testing as appropriate  
12 to determine his capability to perform the duties of a registered nurse. The examination will be  
13 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
14 the Board. The examining mental health practitioner will submit a written report of that  
15 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
16 Recommendations for treatment, therapy or counseling made as a result of the mental health  
17 examination will be instituted and followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse, the  
19 licensed mental health care practitioner making this determination shall immediately notify the  
20 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
21 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
22 practice and may not resume practice until notified by the Board. During this period of  
23 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
24 is required, until the Board has notified Respondent that a mental health determination permits  
25 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
26 probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
28 requirement, Respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board. This period of suspension will not apply to the reduction of this  
2 probationary time period. The Board may waive or postpone this suspension only if significant,  
3 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
4 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
5 Only one such waiver or extension may be permitted.

6       19. **Therapy or Counseling Program.** Respondent, at his expense, shall participate in  
7 an on-going counseling program until such time as the Board releases him from this requirement  
8 and only upon the recommendation of the counselor. Written progress reports from the counselor  
9 will be required at various intervals.

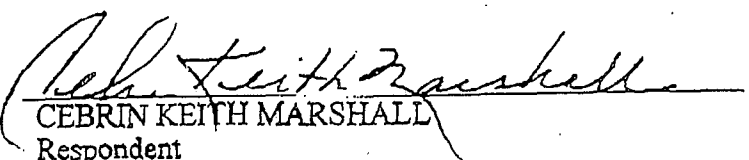
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

11-15-2011

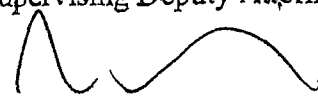
  
CEBRIN KEITH MARSHALL  
RespondentENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 11-15-2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

  
RANDY M. MAILMAN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 2011-922**

EXHIBIT A  
2011-922



1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2011-922*

11 **CEBRIN KEITH MARSHALL**  
12 **207 3rd Street**  
13 **Abbeville, LA 70510**  
**Registered Nurse License No. 613902**

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about February 18, 2003, the Board of Registered Nursing issued Registered  
22 Nurse License Number 613902 to Cebirin Keith Marshall ("Respondent"). The Registered Nurse  
23 License expired on June 30, 2008, and has not been renewed..

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.  
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

## COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Louisiana State Board of Nursing)

9. Respondent is subject to disciplinary action under Code section 2761, subdivision

1 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the  
2 Louisiana State Board of Nursing ("Louisiana Board").

3 10. On or about May 7, 2009, pursuant to the Consent Order issued by the Louisiana  
4 Board, in the disciplinary action entitled *In the Matter of: Cebrin Keith Marshall 207 Third Street*  
5 *Abbeville, LA 70510*, the Louisiana Board disciplined Respondent's registered nurse license by  
6 suspending Respondent's license, and staying the suspension pending the completion of a  
7 minimum of two years of probation. Among the probationary terms and conditions imposed on  
8 Respondent's license, Respondent was required to totally abstain from the use of alcohol and  
9 drugs, have his employers submit performance evaluations, submit quarterly compliance reports,  
10 and pay a fine in the amount of five hundred dollars. The basis for the order is as follows:

11 a. On or about June 23, 2008, while employed as a registered nurse at Abbeville  
12 General Hospital in Abbeville, Louisiana, Respondent completed a random drug test and on June  
13 27, 2008, results were positive for Marijuana

14 b. On or about January 20, 2009, Respondent's registered nurse license was placed  
15 on probation for a minimum of one year. Among the terms and conditions imposed on  
16 Respondent's license, Respondent was required to totally abstain from the use of alcohol and all  
17 non-prescribed mood altering substances.

18 c. On or about April 3, 2009, Respondent's license was suspended after he submitted  
19 to a random drug screen which tested positive for EtG (Ethyl Glucoronide) at 8800 ng/ml and  
20 admitted to drinking alcohol. The suspension provided that prior to reinstatement, Respondent  
21 was required to complete a comprehensive inpatient evaluation and have a period of negative  
22 drug screens.

23 d. On or about April 7, 2009, Respondent returned his registered nurse license to the  
24 Louisiana Board.

## 25 SECOND CAUSE FOR DISCIPLINE

### 26 (Unprofessional Conduct)

27 11. Respondent is subject to disciplinary action under Code section 2761, subdivision  
28 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more

1 particularly described in paragraph 10, subparagraphs (a) through (d), inclusive, above, and  
2 herein incorporated by reference.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 613902, issued to Cebrin  
7 Keith Marshall;

8 2. Ordering Cebrin Keith Marshall to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.  
12

13 DATED: May 11, 2011

14 for LOUISE R. BAILEY, M.ED., RN  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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